



**Phillips Lytle LLP**



**USEPA - REG2  
PAD - FOIA OFFICE**

2013 NOV 19 PM 2:21

Regional Freedom of Information Officer  
U.S. EPA, Region 2  
290 Broadway, 26th Floor  
New York, NY 10007-1866

November 12, 2013

*Commented for  
UKR*

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Sir/Madam :

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we hereby request copies of all records, documents, correspondence, files, reports, electronic mail, faxes, microfilm, computerized databases, diskettes or other information or portions thereof in the possession of the Environmental Protection Agency, or any of its field offices that pertain to any sampling activities or laboratory analyses related to the Love Canal Area. The Love Canal Area is defined as: (1) the historic Love Canal Emergency Declaration Area ("LCDA"), which includes the present 70-acre Love Canal containment site (the "Love Canal Site") and also the area bounded by Bergholtz/Cayuga Creek on the north, 102nd and 103rd Street on the east, Buffalo Avenue on the south, and 93rd Street on the west, and (2) the area adjacent or in proximity to the LCDA, which includes the area bounded by Bergholtz/Cayuga Creek to the north and west, Williams Road on the east, and Buffalo Avenue on the south.

This request includes any documents concerning any sampling activities or laboratory testing analyses performed by USEPA, as well as any such activities and analyses that may have been performed by third parties, the results of which have been supplied to USEPA. For example (but without limitation), there have been reports by residents in the neighborhood surrounding the Love Canal site that sampling activities and laboratory analyses have occurred. It is unclear who performed those activities and analyses, whether USEPA was involved, or whether documents reflecting those activities and analyses were supplied to USEPA. With this FOIA request, we seek to obtain all such responsive documents in USEPA's possession.

Please note that we are cognizant of the still-outstanding FOIA request to USEPA (No. 02-FOI-01472-12) dated September 10, 2012, in which documents reflecting sampling of

ATTORNEYS AT LAW



Environmental Protection Agency  
Page 2

November 12, 2013

surface water, groundwater, and soil in the vicinity of the Love Canal Declaration Area already have been requested. Please note, however, that a response to that request has not yet been received. In addition, please also note that the geographic scope of this more recent request arguably is greater. Finally, please note further that there have been news reports of sampling activities and laboratory analyses since the date of the prior request, and it is our intent to obtain all such documents even if they post-date that earlier request.

As you know, the Freedom of Information Act requires that an agency respond to a request within twenty (20) working days from the date the request was received.

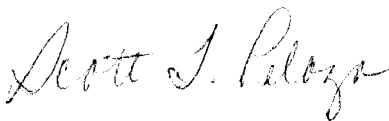
If for any reason any portion of our request is denied, please provide the reasons for the denial in writing and indicate the name and address of the person or body to whom an appeal should be directed.


We agree to pay all reasonable copying fees in connection with this request. However, please contact me prior to incurring any expense so that we may approve the cost associated with photocopying the documents requested. Copies of the requested records should be delivered to me.

Thank you for your attention to this matter.

Very truly yours,

Phillips Lytle LLP

By 

Scott T. Peloza 

Doc #01-2725030.2

cc: Kevin M. Hogan  
Laura Kryta